

## **REMARKS/ARGUMENTS**

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the remarks herewith. The present amendment is being made to facilitate prosecution of the application. Applicants' representative gratefully acknowledges the courtesy extended by the Examiner during the interview of December 17, 2008.

### **I. STATUS OF THE CLAIMS AND FORMAL MATTERS**

Claims 1-9, 11-20, and 22 are pending in this application. Claims 10 and 21 have been canceled without prejudice or disclaimer of subject matter. Claims 1, 9, 11, 12, 20, and 22, which are independent, are hereby amended. Support for this amendment is provided throughout the Specification as originally filed, specifically at page 37 and Figure 10.

No new matter has been introduced. It is submitted that these claims, as originally presented, were in full compliance with the requirements of 35 U.S.C. §112. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants are entitled.

### **II. REJECTIONS UNDER 35 U.S.C. §101, §112, 102(b), AND §103(a)**

Claims 10, 11, 21, and 22 were rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter.

Claims 1, 9-12, and 20-22 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite.

Claims 1-3, 9-14, and 20-22 were rejected under 35 U.S.C. §102(b), as allegedly anticipated by U.S. Patent No. 5,345,508 to Lynn et al. (hereinafter, merely “Lynn”).

Claims 4-6 and 15-17 were rejected under 35 U.S.C. §103(a), as allegedly unpatentable over Lynn in view of U.S. Patent No. 7,242,772 to Tehranchi et al. (hereinafter, merely “Tehranchi”).

Claims 7, 8, 18, and 19 were rejected under 35 U.S.C. §103(a), as allegedly unpatentable over Lynn in view of Tehranchi and further in view of U.S. Patent No. 5,966,450 to Hosford et al. (hereinafter, merely “Hosford”).

### III. RESPONSE TO REJECTIONS UNDER 35 U.S.C. §103(a)

Claim 1 recites, *inter alia*:

“An encryption apparatus, comprising:

**...encryption means for reading the data held by the hold means and one or a plurality of the count values and for encrypting the data held by the hold means and one or a plurality of the count values of the one or plurality of counters.**” (emphasis added)

Applicants respectfully submit that Lynn, Tehranchi, and Hosford, taken either alone or in combination, fail to teach or suggest the above-identified features of claim 1. Specifically, nothing is found that discloses or teaches encryption means for reading the data held by the hold means and one or a plurality of the count values and for encrypting the data held by the hold means and one or a plurality of the count values of the one or plurality of counters, as recited in claim 1.

Applicants submit that Lynn's encrypting means (see figure 2) does not read count values from the counter. Therefore, Lynn fails to teach or disclose the above-identified features of claim 1.

Therefore, independent claim 1 is patentable.

For reasons similar to, or somewhat similar to, those described above with regard to independent claim 1, claims 9, 11, 12, 20, and 22 are patentable.

#### **IV. DEPENDENT CLAIMS**

Each of the other claims in this application is dependent on an independent claim discussed above, and is therefore believed patentable for at least the same reasons presented for the independent claim upon which it depends. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

Similarly, because Applicants maintain that all claims are allowable for at least the reasons presented hereinabove, in the interests of brevity, this response does not comment on each and every comment made by the Examiner in the Office Action. This should not be taken as acquiescence of the substance of those comments, and Applicants reserve the right to address such comments.

#### **CONCLUSION**

In the event the Examiner disagrees with any of statements appearing above with respect to the disclosures in the cited references it is respectfully requested that the Examiner

specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

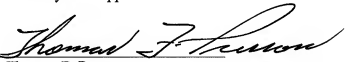
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In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully request early passage to issue of the present application.

Respectfully submitted,

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